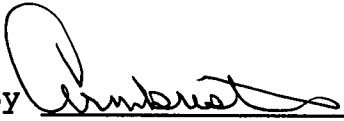


By 

SB. No. 1850

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Victoria County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. A groundwater conservation district to be known as the Victoria County Groundwater Conservation District is created in Victoria County under Section 59, Article XVI, Texas Constitution, subject to approval at a confirmation election under Section 7 of this Act. The district is a governmental agency and a body politic and corporate.

SECTION 2. DEFINITIONS. In this Act:

(1) "District" means the Victoria County Groundwater Conservation District.

(2) "Board" means the district's board of directors.

SECTION 3. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

SECTION 4. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Victoria County.

SECTION 5. POWERS. Except to the extent of any conflict

1 with this Act or as specifically limited by this Act, the district
2 is governed by and subject to Chapter 36, Water Code, and may
3 exercise all of the powers contained in this chapter, including the
4 power to issue bonds and levy and collect taxes and the power of
5 eminent domain.

6 SECTION 6. TEMPORARY DIRECTORS. (a) The temporary board of
7 directors is composed of:

- 8 (1) Place 1 - John Wester;
- 9 (2) Place 2 - Rocky Sanders;
- 10 (3) Place 3 - Trey Ruschhaupt;
- 11 (4) Place 4 - Joseph Dial;
- 12 (5) Place 5 - John Swoboda, Jr.;
- 13 (6) Place 6 - Jerry James; and
- 14 (7) Place 7 - Denise McCue.

15 (b) If a temporary director fails to qualify for office or
16 if a vacancy occurs in the office of temporary director, the
17 Commissioners Court of Victoria County shall appoint persons to
18 fill vacancies in places 1 through 4, and the governing body of the
19 city of Victoria shall appoint persons to fill vacancies in places
20 5 through 7.

21 (c) The temporary directors shall select from their members
22 persons to serve as chair, vice chair, and secretary.

23 (d) To be qualified to serve as a temporary director, a
24 person must be a resident of Victoria County and must be at least
25 18 years of age.

26 SECTION 7. CONFIRMATION ELECTION. (a) Not later than the
27 30th day after the effective date of this Act, the temporary

1 directors shall meet and shall call an election to be held not
2 later than the 120th day after the effective date of this Act
3 inside the boundaries of the proposed district to confirm the
4 establishment of the district.

5 (b) Section 41.001(a), Election Code, does not apply to an
6 election held as provided by this section.

7 (c) The ballot for the election shall be printed to provide
8 for voting for or against propositions on:

9 (1) the creation of the Victoria County Groundwater
10 Conservation District; and

11 (2) the imposition of a property tax in the district.

12 (d) The temporary board of directors may include on the
13 ballot other propositions the board considers necessary.

14 (e) If a majority of votes cast at the election favor the
15 creation of the district, the temporary directors shall declare the
16 district created. If a majority of the votes cast at the election
17 are against the creation of the district, the temporary directors
18 shall declare the district defeated. The temporary directors shall
19 file a copy of the election results with the Texas Natural Resource
20 Conservation Commission.

21 (f) If establishment of the district is not confirmed, the
22 temporary directors may call additional confirmation elections. A
23 confirmation election may not be held before the first anniversary
24 of the previous confirmation election. This Act expires if the
25 district is not confirmed before the fourth anniversary of the
26 effective date of this Act.

27 SECTION 8. INITIAL DIRECTORS. (a) Except as provided by

1 this subsection, on confirmation of the establishment of the
2 district under Section 7 of this Act, the temporary directors
3 become the initial directors of the district. Before the 61st day
4 after the date the district is confirmed, the Commissioners Court
5 of Victoria County may replace with another appointee any director
6 in places 1 through 4, and the governing body of the city of
7 Victoria may replace with another appointee any director in places
8 5 through 7.

9 (b) The directors in places 1, 3, 5, and 7 serve terms that
10 expire on the second anniversary of the date the district is
11 confirmed. The directors in places 2, 4, and 6 serve terms that
12 expire on the fourth anniversary of the date the district is
13 confirmed.

14 (c) If an appointed director is not qualified to take office
15 at the first regular meeting of the board following the director's
16 appointment, the previous director for that place continues to
17 serve until a successor is appointed and qualifies.

18 SECTION 9. BOARD OF DIRECTORS. (a) The district is
19 governed by a board of seven directors.

20 (b) The board shall select from its members a chair, vice
21 chair, and secretary.

22 (c) On the expiration of directors' terms or on the
23 occurrence of a vacancy in the office of a director:

24 (1) the Commissioners Court of Victoria County shall
25 appoint the appropriate number of directors to places 1 through 4;
26 and

27 (2) the governing body of the city of Victoria shall

1 appoint the appropriate number of directors to places 5 through 7.

2 (d) A director appointed to fill a vacancy serves for the
3 unexpired portion of the term.

4 (e) To be qualified for appointment as a director, a person
5 must be a resident of the district and must be at least 18 years of
6 age.

7 (f) Except for temporary and initial directors of the
8 district, directors serve four-year terms.

9 SECTION 10. LIMITATION ON TAXATION. The district may not
10 impose an ad valorem tax at a rate that exceeds two cents on each
11 \$100 valuation of taxable property in the district.

12 SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

13 (a) The proper and legal notice of the intention to introduce this
14 Act, setting forth the general substance of this Act, has been
15 published as provided by law, and the notice and a copy of this Act
16 have been furnished to all persons, agencies, officials, or
17 entities to which they are required to be furnished by the
18 constitution and other laws of this state, including the governor,
19 who has submitted the notice and Act to the Texas Natural Resource
20 Conservation Commission.

21 (b) The Texas Natural Resource Conservation Commission has
22 filed its recommendations relating to this Act with the governor,
23 the lieutenant governor, and speaker of the house of
24 representatives within the required time.

25 (c) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 12. EMERGENCY. The importance of this legislation
3 and the crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended,
7 and that this Act take effect and be in force from and after its
8 passage, and it is so enacted.

NOTICE OF INTENT.
This is to give notice of Intent
Introduce. In the Legislature
Regular Session, a bill to be en-
titled an Act relating to creation
the Victoria County Groundwater
Conservation District within the
boundaries of Victoria County.
(058)

The State of Texas,
County of Victoria

Before me, the undersigned authority, on this day personally appeared Cindy Tucker,
who being by me duly sworn, states on oath that she is the Classified Bookkeeper of
The Victoria Advocate, a newspaper published in Victoria, Victoria County, Texas and
that the attached printed notice in the case of CITY OF VICTORIA

LEGAL 990058

was published in The Victoria Advocate on the following dates:

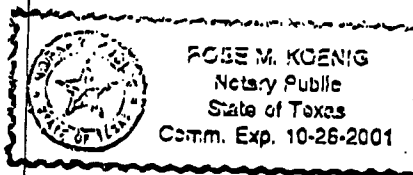
JANUARY 20, 1999

Cindy Tucker

CINDY TUCKER
CLASSIFIED BOOKKEEPER

Sworn to and subscribed before me this 4th day of FEBRUARY, 1999.

Rose M. Koenig
Notary Public in and for Victoria County, Texas



A BILL TO BE ENTITLED

AN ACT:

Relating to the creation, administration, powers, duties, operation, and financing of the Victoria County Groundwater Conservation District.

_____ Filed with the Secretary of the Senate
_____ APR 07 1999 Read and referred to Committee on NATURAL RESOURCES
_____ Reported favorably _____
_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
_____ Ordered not printed
_____ Laid before the Senate
_____ Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ years, _____ nays
_____ Read second time, _____, and ordered engrossed by: { unanimous consent
_____ a viva voce vote
_____ years, _____ nays
_____ Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.
_____ Read third time, _____, and passed by: { A viva voce vote
_____ years, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

_____ Engrossed
_____ Sent to House

Engrossing Clerk _____

_____ Received from the Senate
_____ Read first time and referred to Committee on _____
_____ Reported _____ favorably (as amended) (as substituted)
_____ Sent to Committee on (Calendars) (Local & Consent Calendars)
_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting.
_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Returned to Senate.
_____ Returned from House without amendment.
_____ Returned from House with _____ amendments.
_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays